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STATE REPRESENTATIVE  
13th DISTRICT  
JANÉA HOLMQUIST  
REPUBLICAN ASSISTANT  
FLOOR LEADER

State of  
Washington  
House of  
Representatives

AGRICULTURE & NATURAL RESOURCES  
ASSISTANT RANKING REPUBLICAN MEMBER  
COMMERCE & LABOR



December 17, 2004

Mr. David Peeler  
Program Manager, Water Quality Program  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Dear Mr. Peeler,

I am submitting the following comments to your letter of October 29, 2004 regarding the listing of Moses Lake as both a Category 2 and Category 5 303 (d) listed water body.

I am disappointed DOE has not requested any return comments on the proposed 303 (d) listing. In a prior comment period, a number of concerned citizens have sent in comments to DOE concerning Moses Lake as either a Category 2 or 5 listing. In addition, a great deal of analysis was submitted to DOE by a number of people. Before proceeding with this process, I formally request DOE directly respond to the specific concerns of myself and others discussed in this letter.

If appropriate quality control measures were indeed followed (thus eliminating controversial estimates) in DOE's latest listings for Moses Lake, the TP criterion would not have been exceeded whether in the aggregate for Moses Lake or in part for Parker Horn. As Jim Parsons, Vice-Chair of the Moses Lake Citizen's Advisory Group, stated in a recent letter:

DOE proposes to split Moses Lake into 4 (four) separate areas for purposes of 303(d) assessment. The initial question that comes to mind is whether or not any credible scientific data exists to justify this? Is there data that suggests these areas are different? What is it? If 8 Moses Lake sampling stations have been reported in DOE documents, why are only 4 segments considered for 303(d) analysis?

In further analysis of the proposed listing, it appears that DOE is only considering data from 1998 in the South end of Parker Horn (the only Category 5 segment). Examination of the original table used to explain the listing process for Moses Lake shows that considerable data was collected in 1993, 1998, 2000, and 2001 for this area of the lake. All of

this data met DOE QA/QC standards (with the exception of one data point in 1998, the aforementioned “estimate”) and therefore, under DOE Guidance in WQP Policy 1-11, it must be considered. Summing up all data collected for this area (ML 4) we find that 14 data points were reported over the 10 year period, and of those only 3 are over the 50 ugh total phosphorus level. In the same WQP Policy 1-il document, DOE states that there must be a minimum of 4 exceedances to place a water body on the 303(d) list when the sample size is 12 – 18. This is clearly not the case, requiring that even South Parker Horn not be considered as Category 5.

DOE has not met its rules nor the law’s requirements of listing Moses Lake as either a Category 2 and 5, or both. DOE has not adequately addressed a myriad of technical comments submitted by experts. In early meetings with Director Hoffman, she provided additional time to review evidence submitted before making a 303 (d) listing. *Presently, DOE has two listings, evidence remains in question, and it is readily apparent the listings and evidence are not scientifically substantiated.*

As a result, no clear data exists to list Moses Lake as both a Category 2 and 5. Conclusions appear to have been drawn from a set of preconceived facts without proper scientific analysis and review. DOE data is questionable, as “estimates” are utilized and no details have been provided to the public at-large.

I am also disappointed DOE has apparently dismissed the vital issue of weed growth in Moses Lake. Aquatic weed introduction poses other risks such as low dissolved oxygen levels which adversely impact fish and other aquatic species.

As to future monitoring, the results must be considered by type of irrigation-flow year. Adhering to the rules of basic statistical sampling is mandatory for an accurate, competent analysis of Moses Lake or any other water body.

Monitoring of Moses Lake should be done year-round. To date, virtually no sampling of winter phosphorus levels has been conducted. Fish should live year-round, not just during the irrigation season. Consequently, a better understanding of water conditions during winter months will enable DOE to better decide how to appropriately classify Moses Lake.

There is no assurance a wet spring arid summer will allow the lake to flush out tons of bird waste deposited each year. By stating that mean flushing-rate estimates show the lake is cleared of these wastes each spring, DOE has summarily dismissed the impact of birds on Moses Lake’s water quality. This explanation fails to account for the wet-spring summer year or the deposit and re-suspension of bird wastes currently residing on the bottom of the lake.

Pardon me for repeating myself somewhat but I request DOE to create a new comment period for Moses Lake's listings. Also, I request DOE directly address objections Jim Parsons and I have made to the methods used in DOE's analyses and the potential impacts on the listings. Additionally, please take into consideration the objections to DOE's methodologies by other experts. Beyond the methods used, I request the impact of indigenous and foreign aquatic plant life and bird waste be reconsidered. I formally request a written reply from the Department of Ecology to each of the objections Jim Parsons and I have raised in our respective letters.

Thank you for the opportunity to register my objections. If you need to reach me for any reason, please contact my legislative offices in Moses Lake (509-766-6585) or Olympia (360-786-7932). Please note that with the commencement of 2005's legislative session, my staff and I will be at my Olympia office full-time - I should be contacted there.

Sincerely,

A handwritten signature in dark ink, reading "Janéa Holmquist". The signature is fluid and cursive, with the first name "Janéa" and last name "Holmquist" clearly legible.

Representative Janéa Holmquist  
13<sup>th</sup> Legislative District

cc: Jim Parsons, Vice-Chair, Moses Lake Citizen's Advisory Group